IN THE CLAIMS

Please cancel claim 10 without prejudice to the prosecution thereof in a subsequent or continuing application.

Please add the following new claim:

R126 ~~25~~ 26. A DNA construct encoding a fusion protein, the DNA construct comprising:

a first DNA segment encoding a polypeptide comprising a sequence of amino acid residues 1 (Met) through 21 (Met) of SEQ ID NO:2; and

C1 a second DNA segment encoding an additional polypeptide,

wherein the first and second DNA segments are connected in-frame; and

encode the fusion protein.

REMARKS

Reconsideration in view of the above amendments and following remarks is respectfully requested. Claims 2, 3, 5, 10, 22 and 24 are pending in the instant application, with claims 2, 3, 10, and 22 being in independent form. Concerning 2, 3, 5, 22 and 24, Applicant has provided additional evidence in the 37 CFR § 1.132 affidavit of Dr. Theodore E. Whitmore (enclosed) that attests to the fact that one of skill in the art would appreciate that z219c polynucleotides of the present invention are useful to detect specific chromosomal aberrations on chromosome 3 that are associated with human disease. Moreover, claim 10 was formerly allowable but the allowability was recently withdrawn in the December 13, 2001 Office Action. Although Applicant contends that there were no amendments officially made to claim 10 that would constitute new matter, and as such the claim should be allowed, because there appears to be confusion, Applicant has canceled claim 10 and rewritten it as claim 25 providing a corrected version of the claim and to clarify any misunderstanding about what the language of the claim is. Support for this amendment is provided in the specification at page 14, lines 11-15, page 34, lines 2-4, and original claim 10. No new matter was added by these amendments. The new claim 25 should be allowable as was the original claim 10. An Explanation of the Amendment with Markings is provided. An Appendix with the claim set including amended claims is